BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.	RECEIVED	
In the Matter of)	NOV 24 1998 M. COMMENSATIONS COMMISSION OFFICE OF THE SECRETARY	

To: Chief, Allocations Branch, Mass Media Bureau

PETITION FOR RULE MAKING

High Plains Broadcasting, Inc. ("HPBI"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 270C to Richardton, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 270C to Richardton, North Dakota, will provide that community with its first local aural transmission service. Richardton, a census designated city of 625 persons, see 1990 Census of Population and Housing, North Dakota at 40 (1993), is located 22 miles east of Dickinson. The community, which elects its own mayor and city council and has its own zip code (58652) and post office, also maintains the Richardton Public School, the Richardton Rural Fire Department, and the Richardton Swimming Pool. Commercially, Richardton has a number of business enterprises, including the Richardton Food Depot, the Richardton Health Center, a Farmer's Union and a Schwab Oil Company, at least two banks, two hair stylists, a few craft and homeware outlets, a variety of repair shops, a drug store, and a meat market. Richardton has both a general and dental clinic and a senior center. At least two religious denominations

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maintain buildings and services in Richardton, including a Lutheran and a Catholic congregation. In addition, Richardton has its own social organizations, including American Legion Post #180, a Knights of Columbus, a Lions Club, a 4-H group, and a Little League. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrates that Richardton is a community deserving of its own aural transmission service. See, e.g., Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia), 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Richardton confirms this result. See attached.

The above proposal would enable Richardton to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

HIGH PLAINS BROADCASTING, INC.

F William La Beau

HOGAN & HARTSON L.L.P. 555 Thirteenth Street, N.W. Washington, DC 20004-1109 (202) 637-5706

Its Attorneys

November 24, 1998

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Bismarck • Mandan • Dickinson

Finally, Local Service and Long Distance from one company see page 2

And Surrounding Badlands Area Directory

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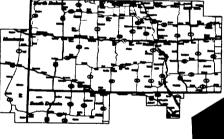
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FOR

VINIARIA A 3073 90 AV 5W VEIN Arthur A 8346 44 St 5V. Kenneth W 8348 44 St 5V. REITINGER Kenneth W & La ENZEL Lee 304 B St N ROGH Gordon & Patty 331 JHN Carl M 5061 92 Av SW

John 9090 51 St SW Lefor

Stacey & Teresa 213 M: INTZ Bernard 212 Main St Caspar HC 1 Box 59a Caspar HC 1 Box 59a Clarence L & Joan 4674 Jay & Audrey 329 2 St N Peter B 5285 & Av SW N UNTZ Rodeo Stock RR 2 Bo Kuntz Richard G

ACHER Cary 9225 E Hwy 10 Gordon L 402 2 Av W NNTZ Peter & Emma 225 6 ARSEN Hans G & Frieda 3'
Lowell & Susan K Rt 1 E
Paul A & Sue L 9325 Hv

CACIF James Jr 22 Dagn EINGANG Larry A HCR 03 | Scott & Arry 4360 83 A

LENNY'S REP

IN Kovin 102 3 Av E Tavin JIMK Wayne & Vangle 5324 JIDLUM D JUDLUM'S Tax Service 115 JUDWG Eleanor 221 2 Av E

UFF Marin E & Rose RR Ronald 28 3 St W Taylor Rose 4349 94 Av SW Ta UITHLE Adeline 8240 53 S: Lenard 220 5 St N ...

I J Coramics IAAS Theo R H 314 B St N IARCUSEN Ethelyn 407 E Leon & Loris 408 Erte AAILE Elisabeth 22 3 St W AAYER Ann K 307 4 St N

Francis A & Jane 324 Shanda RR 2 Rox 97 CCONKEY Larry & Debi SCCUTCHAN Leroy E 423 SEDCENTER One Richard ELCHIOR Frank 321 2 S Frank L & Jane 4109

Marcel 329 C St N ... MESSER Bon 4876 84 Av Cary C 122 12 Av W Frank 322 2 Av E George HCR 03 Box 1 Gree & Dori Jerome 8498 52 St St Larry 8625 50 St SW Mark P HCR 03 Box 9: Marvin R & Laura ... Phillip & Betty 8510 Mobile Phone Mobile Phone

Phillip B Jr Beaver Cr Ralph 218 E St N ... Scott & Dodi 8512 5 MESSER Shop 116 Main : MESSER Timothy P 8241 Valentine 118 4 St N MESSMER Anthony 886 Charles E 121 3 Av E

Dennis L. RR 1 Box 7A Taylor Fred M HCR 02 Box 34 Taylor

974-3926 974-3692

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
RICHARDTON, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 270C (101.9 MHz) to Richardton, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 270C to Richardton, North Dakota. Richardton is located in Stark County, North Dakota and has a 1990 U.S. Census population of 625 persons. Richardton has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Richardton. The proposed changes are as follows:

City		Present	Proposed
Richardton,	North Dakota	-	270C

The proposed channel 270C reference point is located 236 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

Page 2 Richardton, North Dakota

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 270C at Richardton. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 270C at Richardton in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on minimum Class C facilities (ERP 100 kW/HAAT 300 m). The Richardton city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 270C can be allotted to Richardton, North Dakota in compliance with all applicable Commission Rules.

W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc. 240 North Washington Blvd. Suite 700 Sarasota, Florida 34236

November 9, 1998

TECHNICAL EXHIBIT IN SUPPORT OF A PETITION FOR RULE MAKING TO AMEND THE FM TABLE OF ALLOTMENTS RICHARDTON, NORTH DAKOTA

FM SEPARATION STUDY

Job Title : Proposed Richardton, ND Separation Buffer 50 km FCC DB Date : 11/07/98 Channel 270C (101.9 MHz) Coordinates: 46-52-38 102-48-38 Call City Channel ERP(kW) Latitude Bearing Dist. Req. Status State FCC File No. Freq. HAAT(m) Longitude deg-Tru (km) (km) 217C1 97. 47-44-23 3.9 96.13 41 KMHA Four Bears ND BLED840612DO 91.3 137.0 102-43-24 LIC 55.13 CLEAR KSSS 268C 100. 46-56-31 86.7 161.43 105 Bismarck ND BLH940810KE 101.5 301.0 100-41-38 56.43 CLEAR LIC KBTO Bottineau 270C1 52. 48-51-10 39.2 287.40 270 LIC ND BLH801124AR 101.9 149.0 100-20-01 17.40 CLEAR Belle Fourche 271C3 25.0 44-42-48 197.7 252.10 176 NEW SD BPH941216MD 102.1 100.0 103-46-56 APP 76.10 CLEAR 272D .074 DA 46-27-48 195.7 47.80 0 K272CV New England ND BLFT880627TG 102.3 233.0 102-58-46 LIC .00 TRANS TRANSLATOR FOR KSLT, SPEARFISH, SD.

^{**} End of separation study for channel 270C **

AREA-TO-LOCATE CHANNEL 270C RICHARDTON, NORTH DAKOTA

du Treil, Lundin & Rackley, Inc., Sarasota, Florida

DECLARATION OF MICHAEL HALL

- I, Michael Hail, declare as follows:
- 1. I am President of High Plains Broadcasting, Inc. ("HPB!").
- 2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
- 3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

Michael Hall

Executed this 19th day of November, 1998.